

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

UNITED STATES OF AMERICA,  
Plaintiff,

v.

Case No. 19–CV–00657–JPG

\$18,340.00 IN UNITED STATES  
CURRENCY,  
Defendant, and

PASHA K. POURPEZESHK,  
Claimant.

**MEMORANDUM & ORDER**

**I. INTRODUCTION**

This is a civil asset-forfeiture case. Before the Court is the Government’s Motion to Strike. Claimant Pasha K. Pourpezeshk did not respond. For the reasons below, the Court **GRANTS** the Government’s Motion and **DIRECTS** the Clerk of Court to strike Claimant’s Demand for Jury Trial from the record.

**II. PROCEDURAL & FACTUAL HISTORY**

The Government launched this suit in June 2019 when it filed a Complaint for Forfeiture. (ECF No. 2). Claimant entered in August when he filed a Claim for Assets and an Answer. (ECF Nos. 6, 7, and 12). And in April 2020, Claimant filed a Demand for Jury Trial. (ECF No. 27). The Government moved to strike the Demand, arguing that it was untimely filed. (ECF No. 29). Claimant did not respond.

**III. LAW & ANALYSIS**

In civil asset-forfeiture cases, “[t]rial is to the court unless any party demands trial by jury under” Federal Rule of Civil Procedure 38. Supplemental Admiralty and Maritime Claims Rule

G(9). And Rule 38 provides that a party must make a jury trial demand “*no later than* 14 days after the last pleading directed to the issue is served.” Fed. R. Civ. P. 38(b) (emphasis added). This is generally the “point during the pretrial pleading stage” when “the pleadings cease raising new factual issues . . . .” Commc’ns Maint., Inc. v. Motorola, Inc., 761 F.2d 1202, 1208 (7th Cir. 1985). “The failure to assert the right in a timely fashion surrenders it.” Stewart v. RCA Corp., 790 F.2d 624, 630 (7th Cir. 1986); Fed. R. Civ. P. 38(d).

Claimant’s Demand was untimely filed. The last pleading directed to the issues was Claimant’s Answer, filed in August. See Fed. R. Civ. P. 7(a) (stating that the term “pleading” only refers to complaints, answers, and replies). Nearly eight months passed before he made a jury trial demand—far beyond the 14-day deadline. Claimant therefore surrendered the right by failing to assert it on time.

#### IV. CONCLUSION

The Court **GRANTS** the Government’s Motion to Strike and **DIRECTS** the Clerk of Court to strike Claimant’s Demand for Jury Trial from the record.

**IT IS SO ORDERED.**

**Dated: Thursday, April 30, 2020**

S/J. Phil Gilbert  
**J. PHIL GILBERT**  
**UNITED STATES DISTRICT JUDGE**